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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,319	09/16/2003	Alexander Vincent Danilo	00169.002728.	9258
5514 7590 02/04/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER DHINGRA, PAWANDEEP				
ART UNIT 2625		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/662,319

**Applicant(s)**

DANILO, ALEXANDER VINCENT

**Examiner**

PAWANDEEP S. DHINGRA

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

- This action is responsive to the following communication: Amendment after non-final action filed on 11/18/2009.
- Claims 17 and 19-22 are pending.

### ***Response to Arguments***

Applicant's arguments, filed 11/18/2009, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made and applicant's arguments have been rendered moot.

### **Claim Rejections - 35 USC § 101**

Claims 17 and 21-22 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

While the claims 17 and 21-22 recite a series of steps or acts to be performed, the claim is not positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example the image rendering method comprising the steps of generating, producing list of edges and steps of rendering image, replacing edges according to previous steps is of sufficient breadth that it would be reasonably interpreted as a series of steps

completely performed mentally, verbally or without a machine. The Applicant has provided no explicit and deliberate definitions of above mentioned steps to limit the steps to be performed and executed by a machine and the claim language itself is sufficiently broad to read on a person mentally performing the steps as claimed to be executed or sketched on a sheet of paper.

### ***Examiner Notes***

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 17 and 19-20 are rejected under 35 U.S.C. 103 as being unpatentable over Moore, US 2002/0015039 in view of Koyanagi, JP 2000-013601.

Re claim 17, Moore discloses a method of rendering an image (see title), comprising a plurality of overlapping graphic objects (see figure 8, it has two overlapping objects blue and red, paragraphs 62-63), said method comprising the steps of: generating a list of input edges in accordance with a plurality of boundaries of the plurality of overlapping graphic objects, wherein some of the input edges are overlapping (see fig. 11, paragraphs 62-64) (also see paragraphs 67-79).

Moore fails to explicitly disclose producing a list of non-intersecting edges from the list of input edges on a per-scan-line basis; and rendering the image based on the produced list of non-intersecting edges, wherein the non-intersecting edges form a plurality of boundaries of a plurality of non-overlapping graphic objects that are visually equivalent to the plurality of overlapping graphic objects; at least one non-intersecting edge replaces a plurality of overlapping input edges, the non-intersecting edge being shared by more than one non-overlapping graphic object.

However, Koyanagi teaches producing a list of non-intersecting edges from the list of input edges on a per-scan-line basis (see abstract, paragraphs 33-34, 43) (also see figs. 4, 9, 11-12, 16-17 with text); and rendering the image based on the produced list of non-intersecting edges, wherein the non-intersecting edges form a plurality of boundaries of a plurality of non-overlapping graphic objects that are visually equivalent to the plurality of overlapping graphic objects (see figs. 4, 9, 11-12, 16-17 with text); at least one non-intersecting edge replaces a plurality of overlapping input edges, the non-intersecting edge being shared by more than one non-overlapping graphic object (see figs. 4, 9, 11-12, 16-17 with text).

Therefore, it would have been advantageous to modify the method of rendering graphic objects as disclosed by Moore to include the overlapping graphic processing and edge generating techniques as taught by Koyanagi for the benefit of increasing printing speed and reducing memory consumption as taught by Koyanagi in paragraph 101. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to combine the system of Moore with the system of Koyanagi to reach the aforementioned advantage.

Re Claim 19, Moore discloses an apparatus for rendering an image (rendering apparatus, fig. 3, paragraph 23) comprising a plurality of overlapping graphic objects (see figure 8, it has two overlapping objects blue and red, paragraphs 62-63), said apparatus comprising: generating means (display list generation 12, fig. 2, "the display list generation 12 is preferably implemented as a software module executing on the host processor 2", paragraph 66) for generating a list of input edges in accordance with a plurality of boundaries of the plurality of overlapping graphic objects, wherein some of the input edges are overlapping (see fig. 11, paragraphs 62-64) (also see paragraphs 67-79).

Koyanagi teaches producing means for producing a list of non-intersecting edges from the list of input edges on a per-scan-line basis (see abstract, paragraphs 33-34, 43) (also see figs. 4, 9, 11-12, 16-17 with text); and rendering means for rendering the image based on the produced list of non-intersecting edges, wherein the non-intersecting edges form a plurality of boundaries of a plurality of non-overlapping graphic objects that are visually equivalent to the plurality of overlapping graphic objects

(see figs. 4, 9, 11-12, 16-17 with text); at least one non-intersecting edge replaces a plurality of overlapping input edges, the non-intersecting edge being shared by more than one non-overlapping graphic object (see figs. 4, 9, 11-12, 16-17 with text).

Re Claim 20, claim 20 recites identical features, as claim 17, except claim 20 merely deals with executing the method of claim 17 on a computer. Thus, arguments made for claim 17 are applicable for claim 20.

3. Claims 21-22 are rejected under 35 U.S.C. 103 as being unpatentable over Moore, US 2002/0015039 in view of Koyanagi, JP 2000-013601 further in view of Hiroshi Okubo, JP 11-073516.

Re claim 21, Moore further teaches maintaining a list of active edges comprising a plurality of input edges that intersect a current scan-line (see figs. 10-11, paragraphs 118-119, 125-128) (also see figs. 12-13 with text).

Okubo teaches deriving from active edges (original graphic edge) a list of corresponding output edges (new graphic edge) to include the non-intersecting edges (see figs. 2-3, paragraphs 49-56).

Therefore, it would have been advantageous to modify the method of rendering graphic objects as disclosed by Moore to include the overlapping graphic processing and edge generating techniques as taught by Koyanagi and overlapping graphic processing techniques as taught by Okubo for the benefit of increasing printing speed and reducing memory consumption as taught by Koyanagi in paragraph 101 and for

increasing processing speed and reducing memory consumption as taught by Okubo in abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to combine the system of Moore with the system of Koyanagi and Okubo to reach the aforementioned advantage.

Re claim 22, Moore further teaches creating a new output edge when an active edge does not have a corresponding output edge; and terminating the output edge when the output edge does not have a corresponding active edge (see paragraphs 62, 118-119, 125-128) (also see figs. 12-13 with text).

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./

Examiner, Art Unit 2625

***/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625***